

DECLARATION  
AND POWER OF ATTORNEY

PENNIE & EDMONDS DOCKET NO.

6287-003

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

ISOLATION AND PRESERVATION OF FETAL AND NEONATAL HEMATOPOIETIC  
STEM AND PROGENITOR CELLS OF THE BLOOD

the specification of which:

☒ is attached hereto ☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
(for declaration not accompanying application)

with amendment(s) filed \_\_\_\_\_  
(If applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/§ 172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES _____ NO _____
			YES _____ NO _____
			YES _____ NO _____
			YES _____ NO _____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint Frank F. Scheck (Reg. No. 17761), S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Joseph V. Colaianni (Reg. No. 20019), Keith E. Mullenger (Reg. No. 20054), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Francis E. Morris (Reg. No. 24615), Joseph J. Catanzaro (Reg. No. 25837), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), and James N. Palik (Reg. No. 25510), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
201	FULL NAME OF INVENTOR	LAST NAME BOYSE	FIRST NAME EDWARD	MIDDLE NAME A.	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 1275 York Avenue	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10021
202	FULL NAME OF INVENTOR	LAST NAME BROXMEYER	FIRST NAME HAL	MIDDLE NAME E.	
	RESIDENCE & CITIZENSHIP	CITY Indianapolis	STATE OR FOREIGN COUNTRY Indiana	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 1210 Chessington Road	CITY Indianapolis	STATE OR COUNTRY Indiana	ZIP CODE 46260
203	FULL NAME OF INVENTOR	LAST NAME DOUGLAS	FIRST NAME GORDON	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS 50 Sutton Place South	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10022
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Edward A. Boyse</i>	SIGNATURE OF INVENTOR 202 <i>Hal E. Broxmeyer</i>	SIGNATURE OF INVENTOR 203 <i>Gordon W. Douglas</i>
DATE EDWARD A. BOYSE November 9, 1987	DATE HAL E. BROXMEYER November 10, 1987	DATE GORDON W. DOUGLAS November 9, 1987
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE



2/85

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: ☒ Application of: Edward A. Boyse, Hal E. Broxmeyer, and  
☐ Patent of: Gordon W. Douglas

☒ Serial No.: to be assigned                      Group Art Unit:  
☐ Patent No.:

☒ Filed: concurrently herewith              Examiner:  
☐ Issued:

For: ISOLATION AND PRESERVATION OF FETAL AND NEONATAL  
HEMATOPOIETIC STEM AND PROGENITOR CELLS OF THE BLOOD

Attorney Docket No.: 6287-003

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)]—Small Business Concern

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the  
concern identified below:

Name of concern ... Biocyte Corporation .....  
Address of concern ... Suite 316, 610 Fifth Avenue .....  
..... New York, New York 10020 .....

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled ISOLATION AND PRESERVATION OF FETAL AND NEONATAL HEMATOPOIETIC STEM AND PROGENITOR CELLS OF THE BLOOD by inventor(s) Edward A. Boyse, Hal E. Broxmeyer, and Gordon W. Douglas described in

- ☒ the specification filed herewith  
☐ application serial no. ...., filed .....  
☐ patent no. ...., issued .....

PE-SE 2A

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME.....

ADDRESS .....

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

FULL NAME.....

ADDRESS .....

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

FULL NAME.....

ADDRESS .....

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

FULL NAME.....

ADDRESS .....

☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS  
1155 Avenue of the Americas  
New York, N.Y. 10036

Direct Telephone calls to:  
PENNIE & EDMONDS  
(212) 750-9090

Name of person signing .... Mr. Robert F. Johnston.....

Title of person other than owner .. Vice President.....

Address of person signing ... 181 Cherry Valley Road  
Princeton, New Jersey 08540 .....

Signature *Robert F. Johnston* ..... Date *11 Nov 85* .....

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)